

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.205

CRM-M-19774-2019

Date of decision: 10.08.2021

Daljit Singh @ Soni

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Simrandeep S. Sandhu, Advocate
for the petitioner.

Mr. Jagmohan Singh Ghumman, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.97 dated 27.07.2018 registered under Section 22 of the Narcotics Drugs and Psychotropic Substances Act, 1985 (for short – the NDPS Act) at Police Station Bassi Pathana, District Fatehgarh Sahib.

The petitioner is being prosecuted for having been found to be in illegal possession of 800 tablets containing Diaphenoxylate Hydrochloride.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; the search of the petitioner was carried out without following the procedure prescribed under Section 50 of the NDPS Act; there is no other case under the NDPS Act in which the petitioner is involved; the alleged recovery from the petitioner of 800 tablets containing Diaphenoxylate Hydrochloride is marginally higher than the prescribed commercial quantity and that since 09 prosecution witnesses still remain to be examined in the petitioner's trial the same shall take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has been found to be in illegal possession

of 800 tablets containing Diaphenoxylate Hydrochloride; 08 out of the 17 prosecution witnesses have already been examined by the prosecution and 02 prosecution witnesses are being given up; remaining 07 prosecution witnesses shall be examined within three months and therefore, at the fag end of the trial, the petitioner should not be granted regular bail.

The petitioner is being prosecuted for having been found in illegal possession of 800 tablets containing Diaphenoxylate Hydrochloride; with 02 prosecution witnesses being given up by the prosecution only 07 prosecution witnesses now remain to be examined; these are all official witnesses and a statement has been made before this Court on behalf of the State that the remaining 07 prosecution witnesses shall be produced by the State within three months from the date next fixed before the Trial Court.

After considering the afore submissions made by learned counsel for the parties, it is found that the petitioner's trial has progressed with only 07 official witnesses remaining to be examined by the prosecution. Therefore, at this stage, it is considered not desirable to grant him bail. However, subject to the petitioner's cooperation, the Trial Court is directed to finally dispose of the petitioner's trial within 14 weeks from the next date fixed before it.

Disposed of.

August 10, 2021
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No